



General Assembly

February Session, 2010

***Raised Bill No. 5120***

LCO No. 519

\*00519\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING PRIVATE AND MUNICIPAL RECYCLING,  
ZONING ORDINANCES AND SOLID WASTE COLLECTION  
CONTRACTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-207 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 For the purposes of this chapter, [and] chapter 103b and section 4 to  
4 6, inclusive, of this act:

5 (1) "Commissioner" means the Commissioner of Environmental  
6 Protection or his authorized agent;

7 (2) "Department" means the Department of Environmental  
8 Protection;

9 (3) "Solid waste" means unwanted or discarded solid, liquid,  
10 semisolid or contained gaseous material, including, but not limited to,  
11 demolition debris, material burned or otherwise processed at a  
12 resources recovery facility or incinerator, material processed at a  
13 recycling facility and sludges or other residue from a water pollution  
14 abatement facility, water supply treatment plant or air pollution

15 control facility;

16 (4) "Solid waste facility" means any solid waste disposal area,  
17 volume reduction plant, transfer station, wood-burning facility or  
18 biomedical waste treatment facility;

19 (5) "Volume reduction plant" means any location or structure,  
20 whether located on land or water, where more than two thousand  
21 pounds per hour of solid waste generated elsewhere may be reduced  
22 in volume, including but not limited to, resources recovery facilities  
23 and other incinerators, recycling facilities, pulverizers, compactors,  
24 shredders, balers and composting facilities;

25 (6) "Solid waste disposal area" means any location, including a  
26 landfill or other land disposal site, used for the disposal of more than  
27 ten cubic yards of solid waste. For purposes of this subdivision,  
28 "disposal" means the placement of material at a location with the intent  
29 to leave it at such location indefinitely, or to fail to remove material  
30 from a location within forty-five days, but does not mean the  
31 placement of material required to be recycled under section 22a-241b  
32 in a location on the premises of a recycling facility, provided such  
33 facility is in compliance with all requirements of state or federal law  
34 and any permits required thereunder;

35 (7) "Recycling" means the processing of solid waste to reclaim  
36 material therefrom;

37 (8) "Recycling facility" or "recycling center" means land and  
38 appurtenances thereon and structures where recycling is conducted,  
39 including but not limited to, an intermediate processing center as  
40 defined in section 22a-260;

41 (9) "Resources recovery facility" means a facility utilizing processes  
42 to reclaim energy from municipal solid waste;

43 (10) "Transfer station" means any location or structure, whether  
44 located on land or water, where more than ten cubic yards of solid

45 waste, generated elsewhere, may be stored for transfer or transferred  
46 from transportation units and placed in other transportation units for  
47 movement to another location, whether or not such waste is stored at  
48 the location prior to transfer;

49 (11) "Municipality" means any town, city or borough within the  
50 state;

51 (12) "Municipal authority" means the local governing body having  
52 legal jurisdiction over solid waste management within its corporate  
53 limits which shall be, in the case of any municipality which adopts a  
54 charter provision or ordinance pursuant to section 7-273aa, the  
55 municipal resource recovery authority;

56 (13) "Regional authority" means the administrative body delegated  
57 the responsibility of solid waste management for two or more  
58 municipalities which have joined together by creating a district or  
59 signing an interlocal agreement or signing a mutual contract for a  
60 definitive period of time;

61 (14) "Region" means two or more municipalities which have joined  
62 together by creating a district or signing an interlocal agreement or  
63 signing a mutual contract for a definite period of time concerning solid  
64 waste management within such municipalities;

65 (15) "Solid waste management plan" means an administrative and  
66 financial plan for an area which considers solid waste storage,  
67 collection, transportation, volume reduction, recycling, reclamation  
68 and disposal practices for a twenty-year period, or extensions thereof;

69 (16) "Municipal collection" means solid waste collection from all  
70 residents thereof by a municipal authority;

71 (17) "Contract collection" means collection by a private collector  
72 under a formal agreement with a municipal authority in which the  
73 rights and duties of the respective parties are set forth;

74 (18) "Solid waste planning region" means those municipalities  
75 within the defined boundaries of regional planning agencies or as  
76 prescribed in the state solid waste management plan;

77 (19) "Biomedical waste" means infectious waste, pathological waste  
78 and chemotherapy waste generated during the administration of  
79 medical care or the performance of medical research involving humans  
80 or animals and which, because of its quantity, character or  
81 composition, has been determined by the commissioner to require  
82 special handling but excluding any solid waste which has been  
83 classified by the department as a hazardous waste pursuant to section  
84 22a-115 or is a radioactive material regulated pursuant to section 22a-  
85 148;

86 (20) "Generator of biomedical waste" means any person who owns  
87 or operates a facility that produces biomedical waste in any quantity,  
88 including, but not limited to the following: General hospitals, skilled  
89 nursing facilities or convalescent hospitals, intermediate care facilities,  
90 chronic dialysis clinics, free clinics, health maintenance organizations,  
91 surgical clinics, acute psychiatric hospitals, laboratories, medical  
92 buildings, physicians' offices, veterinarians, dental offices and funeral  
93 homes. Where more than one generator is located in the same building,  
94 each individual business entity shall be considered a separate  
95 generator;

96 (21) "Biomedical waste treatment facility" means a solid waste  
97 facility capable of storing, treating or disposing of any amount of  
98 biomedical waste, excluding any facility where the only biomedical  
99 waste treated, stored or disposed of is biomedical waste generated at  
100 the site and any licensed acute care facility or licensed regional  
101 household hazardous waste collection facility accepting untreated  
102 solid waste generated during the administration of medical care in a  
103 single or multiple family household by a resident of such household;

104 (22) "Throughput" means the amount of municipal solid waste  
105 processed by a resources recovery facility determined by dividing the

106 average annual tonnage of municipal solid waste by three hundred  
107 sixty-five days;

108 (23) "Municipal solid waste" means solid waste from residential,  
109 commercial and industrial sources, excluding solid waste consisting of  
110 significant quantities of hazardous waste as defined in section 22a-115,  
111 land-clearing debris, demolition debris, biomedical waste, sewage  
112 sludge and scrap metal;

113 (24) "Wood-burning facility" means a facility, as defined in section  
114 16-50i, whose principal function is energy recovery from wood for  
115 commercial purposes. "Wood-burning facility" does not mean a  
116 biomass gasification plant that utilizes land clearing debris, tree  
117 stumps or other biomass that regenerates, or the use of which will not  
118 result in a depletion of, resources;

119 (25) "Person" has the same meaning as in subsection (c) of section  
120 22a-2;

121 (26) "Closure plan" means a comprehensive written plan, including  
122 maps, prepared by a professional engineer licensed by the state that  
123 details the closure of a solid waste disposal area and that addresses  
124 final cover design, stormwater controls, landfill gas controls, water  
125 quality monitoring, leachate controls, postclosure maintenance and  
126 monitoring, financial assurance for closure and postclosure activities,  
127 postclosure use and any other information that the commissioner  
128 determines is necessary to protect human health and the environment  
129 from the effects of the solid waste disposal areas;

130 (27) "Designated recyclable item" means an item designated for  
131 recycling by the Commissioner of Environmental Protection in  
132 regulations adopted pursuant to subsection (a) of section 22a-241b, as  
133 amended by this act.

134 Sec. 2. Subsection (h) of section 22a-220 of the general statutes is  
135 repealed and the following is substituted in lieu thereof (*Effective from*

136 *passage*):

137 (h) On or before [August 31, 1991] September 30, 2010, and annually  
 138 thereafter, each municipality, or its designated regional agent, shall  
 139 provide a report to the Commissioner of Environmental Protection  
 140 describing the measures taken during the preceding year to meet its  
 141 obligations under this section. The commissioner shall provide each  
 142 municipality with a form for such report by [June 1, 1991] July 1, 2010.  
 143 Such form may be amended from time to time. Such report shall  
 144 include, but not be limited to, (1) a description of the efforts made by  
 145 the municipality to promote recycling, (2) a description of its efforts to  
 146 ensure compliance with separation requirements, (3) the amount of  
 147 each type of recyclable item contained in its solid waste stream which  
 148 has been delivered to a recycling facility pursuant to a municipal  
 149 contract, as reported to the municipality or its designated regional  
 150 agent by the owner or operator of a recycling facility pursuant to  
 151 section 22a-208e or by a scrap metal processor pursuant to section 22a-  
 152 208f, [and] (4) the amount of solid waste [generated within its  
 153 boundaries which has been] collected and delivered to a resources  
 154 recovery facility or solid waste facility for disposal pursuant to a  
 155 municipal contract, as reported to the municipality or its designated  
 156 regional agent by the owner or operator of the resources recovery  
 157 facility or solid waste facility pursuant to section 22a-208e, (5) the first  
 158 destination of each type of recyclable material collected for recycling  
 159 and the first destination of collected municipal solid waste, provided if  
 160 the first destination is a transfer station or volume reduction facility,  
 161 the first destination shall be considered to be the destination after the  
 162 transfer station or volume reduction facility, (6) the actual or estimated  
 163 amount of each type of recyclable material collected for recycling that  
 164 has been delivered directly to a destination other than a solid waste  
 165 facility that has obtained a permit under section 22a-208a, and (7) the  
 166 actual or estimated amount of disposed municipal solid waste that has  
 167 been delivered directly to a destination other than a solid waste facility  
 168 that has obtained a permit under section 22a-208a. If such amounts of  
 169 recyclable material or solid waste are unknown to the municipality, the

170 municipality shall provide the commissioner with the contact  
171 information of the collector who transported such recyclable material  
172 or municipal solid waste. For the purposes of this subsection,  
173 "collector" has the same meaning as in section 22a-220a.

174       Sec. 3. Section 22a-241b of the general statutes is repealed and the  
175 following is substituted in lieu thereof (*Effective October 1, 2010*):

176       (a) (1) On or before February 1, 1988, the Commissioner of  
177 Environmental Protection shall adopt regulations in accordance with  
178 the provisions of chapter 54 designating items that are required to be  
179 recycled. The commissioner may designate other items as suitable for  
180 recycling and amend said regulations accordingly.

181       (2) On or before October 1, 2011, the Commissioner of  
182 Environmental Protection shall amend the regulations adopted  
183 pursuant to subdivision (1) of this subsection to expand the list of  
184 designated recyclable items to add (A) containers of three gallons or  
185 less made of polyethylene terephthalate plastic and high-density  
186 polyethylene plastic, (B) boxboard, and (C) additional types of paper,  
187 including, but not limited to, magazines, residential high-grade white  
188 paper and colored ledger.

189       (b) Any designated recyclable item [designated for recycling  
190 pursuant to subsection (a) of this section] shall be recycled by a  
191 municipality within three months of the establishment of service to  
192 such municipality by a regional processing center or local processing  
193 system.

194       (c) [On and after January 1, 1991, (1) each] (1) Each person who  
195 generates solid waste from residential property shall, in accordance  
196 with subsection (f) of section 22a-220, separate from other solid waste  
197 the items designated for recycling pursuant to subdivision (1) of  
198 subsection (a) of this section, and (2) every [other] person who  
199 generates solid waste from a property other than a residential property  
200 shall, in accordance with subsection (f) of section 22a-220, make

201 provision for and cause the separation from other solid waste of the  
202 items designated for recycling pursuant to subdivision (1) of  
203 subsection (a) of this section through the use of one or more collection  
204 containers for designated recyclable items that are separate from the  
205 collection containers for other solid waste. Collection containers that  
206 have been used for the collection of solid waste may be converted to  
207 containers for the collection of designated recyclable items by labeling  
208 or other means to identify that such container is dedicated to collecting  
209 designated recyclable items. On and after July 1, 2012, the provisions  
210 of this subsection shall also apply to items designated for recycling  
211 pursuant to subdivision (2) of subsection (a) of this section.

212 (d) No person shall combine previously segregated designated  
213 recyclable items with other solid waste.

214 (e) For the purposes of this section, "boxboard" means a lightweight  
215 paperboard made from a variety of recovered fibers having sufficient  
216 folding properties and thickness to be used to manufacture folding or  
217 set-up boxes.

218 Sec. 4. Subsection (a) of section 8-2 of the general statutes is repealed  
219 and the following is substituted in lieu thereof (*Effective October 1,*  
220 *2010*):

221 (a) The zoning commission of each city, town or borough is  
222 authorized to regulate, within the limits of such municipality, the  
223 height, number of stories and size of buildings and other structures;  
224 the percentage of the area of the lot that may be occupied; the size of  
225 yards, courts and other open spaces; the density of population and the  
226 location and use of buildings, structures and land for trade, industry,  
227 residence or other purposes, including water-dependent uses, as  
228 defined in section 22a-93, and the height, size and location of  
229 advertising signs and billboards. Such bulk regulations may allow for  
230 cluster development, as defined in section 8-18. Such zoning  
231 commission may divide the municipality into districts of such number,  
232 shape and area as may be best suited to carry out the purposes of this



233 chapter; and, within such districts, it may regulate the erection,  
234 construction, reconstruction, alteration or use of buildings or  
235 structures and the use of land. All such regulations shall be uniform  
236 for each class or kind of buildings, structures or use of land throughout  
237 each district, but the regulations in one district may differ from those  
238 in another district, and may provide that certain classes or kinds of  
239 buildings, structures or uses of land are permitted only after obtaining  
240 a special permit or special exception from a zoning commission,  
241 planning commission, combined planning and zoning commission or  
242 zoning board of appeals, whichever commission or board the  
243 regulations may, notwithstanding any special act to the contrary,  
244 designate, subject to standards set forth in the regulations and to  
245 conditions necessary to protect the public health, safety, convenience  
246 and property values. Such regulations shall be made in accordance  
247 with a comprehensive plan and in adopting such regulations the  
248 commission shall consider the plan of conservation and development  
249 prepared under section 8-23. Such regulations shall be designed to  
250 lessen congestion in the streets; to secure safety from fire, panic, flood  
251 and other dangers; to promote health and the general welfare; to  
252 provide adequate light and air; to prevent the overcrowding of land; to  
253 avoid undue concentration of population and to facilitate the adequate  
254 provision for transportation, water, sewerage, schools, parks and other  
255 public requirements. Such regulations shall be made with reasonable  
256 consideration as to the character of the district and its peculiar  
257 suitability for particular uses and with a view to conserving the value  
258 of buildings and encouraging the most appropriate use of land  
259 throughout such municipality. Such regulations may, to the extent  
260 consistent with soil types, terrain, infrastructure capacity and the plan  
261 of conservation and development for the community, provide for  
262 cluster development, as defined in section 8-18, in residential zones.  
263 Such regulations shall also encourage the development of housing  
264 opportunities, including opportunities for multifamily dwellings,  
265 consistent with soil types, terrain and infrastructure capacity, for all  
266 residents of the municipality and the planning region in which the

267 municipality is located, as designated by the Secretary of the Office of  
268 Policy and Management under section 16a-4a. Such regulations shall  
269 also promote housing choice and economic diversity in housing,  
270 including housing for both low and moderate income households, and  
271 shall encourage the development of housing which will meet the  
272 housing needs identified in the housing plan prepared pursuant to  
273 section 8-37t and in the housing component and the other components  
274 of the state plan of conservation and development prepared pursuant  
275 to section 16a-26. Zoning regulations shall be made with reasonable  
276 consideration for their impact on agriculture. Zoning regulations may  
277 be made with reasonable consideration for the protection of historic  
278 factors and shall be made with reasonable consideration for the  
279 protection of existing and potential public surface and ground  
280 drinking water supplies. On and after July 1, 1985, the regulations shall  
281 provide that proper provision be made for soil erosion and sediment  
282 control pursuant to section 22a-329. Such regulations may also  
283 encourage energy-efficient patterns of development, the use of solar  
284 and other renewable forms of energy, and energy conservation. The  
285 regulations may also provide for incentives for developers who use  
286 passive solar energy techniques, as defined in subsection (b) of section  
287 8-25, in planning a residential subdivision development. The  
288 incentives may include, but not be limited to, cluster development,  
289 higher density development and performance standards for roads,  
290 sidewalks and underground facilities in the subdivision. Such  
291 regulations may provide for a municipal system for the creation of  
292 development rights and the permanent transfer of such development  
293 rights, which may include a system for the variance of density limits in  
294 connection with any such transfer. Such regulations may also provide  
295 for notice requirements in addition to those required by this chapter.  
296 Such regulations may provide for conditions on operations to collect  
297 spring water or well water, as defined in section 21a-150, including the  
298 time, place and manner of such operations. No such regulations shall  
299 prohibit the operation of any family day care home or group day care  
300 home in a residential zone. No such regulations shall prohibit the use

301 of receptacles for the storage of items designated for recycling in  
302 accordance with section 22a-241b, as amended by this act, or require  
303 that such receptacles comply with provisions for bulk or lot area, or  
304 similar provisions, except provisions for side yards, rear yards and  
305 front yards. No such regulations shall unreasonably restrict access to  
306 or the size of such receptacles for businesses, given the nature of the  
307 business and the volume of items designated for recycling in  
308 accordance with section 22a-241b, as amended by this act, that such  
309 business produces in its normal course of business, provided nothing  
310 in this section shall be construed to prohibit such regulations from  
311 requiring the screening or buffering of such receptacles for aesthetic  
312 reasons. Such regulations shall not impose conditions and  
313 requirements on manufactured homes having as their narrowest  
314 dimension twenty-two feet or more and built in accordance with  
315 federal manufactured home construction and safety standards or on  
316 lots containing such manufactured homes which are substantially  
317 different from conditions and requirements imposed on single-family  
318 dwellings and lots containing single-family dwellings. Such  
319 regulations shall not impose conditions and requirements on  
320 developments to be occupied by manufactured homes having as their  
321 narrowest dimension twenty-two feet or more and built in accordance  
322 with federal manufactured home construction and safety standards  
323 which are substantially different from conditions and requirements  
324 imposed on multifamily dwellings, lots containing multifamily  
325 dwellings, cluster developments or planned unit developments. Such  
326 regulations shall not prohibit the continuance of any nonconforming  
327 use, building or structure existing at the time of the adoption of such  
328 regulations. Such regulations shall not provide for the termination of  
329 any nonconforming use solely as a result of nonuse for a specified  
330 period of time without regard to the intent of the property owner to  
331 maintain that use. Any city, town or borough which adopts the  
332 provisions of this chapter may, by vote of its legislative body, exempt  
333 municipal property from the regulations prescribed by the zoning  
334 commission of such city, town or borough; but unless it is so voted

335 municipal property shall be subject to such regulations.

336 Sec. 5. (NEW) (*Effective October 1, 2010*) (a) No later than July 1, 2011,  
337 each municipality shall offer curbside or backyard collection of  
338 designated recyclable items to all residents and businesses for which  
339 such municipality provides municipal curbside or backyard collection  
340 of solid waste, except that the provisions of this section shall not apply  
341 to any municipality that the Commissioner of Environmental  
342 Protection determines recycles its solid waste in a percentage that  
343 exceeds the state-wide average for the amount of municipal solid  
344 waste recycled.

345 (b) Each collector who offers curbside or backyard collection of solid  
346 waste generated by residences in a municipality shall offer curbside or  
347 backyard collection of designated recyclable items to each of such  
348 collector's customers and such curbside or backyard collection of  
349 designated recyclable items shall be included in the collector's charge  
350 for solid waste collection. The provisions of this subsection shall not be  
351 construed to prohibit any collector from determining and adjusting its  
352 fees for combined curbside collection services.

353 (c) For the purposes of this section, "curbside or backyard collection"  
354 means the collection, by either municipal collection services or private  
355 collectors, of presorted designated recyclable items or solid waste left  
356 for such collection by residents and businesses in the front or rear of  
357 the property of such residents and on the property of businesses, and  
358 "collector" has the same meaning as in subsection (g) of section 22a-  
359 220a of the general statutes.

360 Sec. 6. (NEW) (*Effective October 1, 2011*) (a) For the purposes of this  
361 section:

362 (1) "Generated" means sold or given away at a common gathering  
363 venue; and

364 (2) "Common gathering venue" means any area or building, or

365 portion thereof, that is open to the public during normal business  
366 hours, including, but not limited to, any (A) building that provides  
367 facilities or shelter for public assembly, (B) inn, hotel, motel, sports  
368 arena, supermarket, transportation terminal, retail store, restaurant or  
369 other commercial establishment that provides services or retails  
370 merchandise, or (C) museum, hospital, auditorium, movie theater or  
371 university building.

372 (b) Each property that has one or more common gathering venues  
373 where designated recyclable items may be generated while the public  
374 congregates at such venue and that provides for the collection of solid  
375 waste shall provide recycling receptacles for the collection of any  
376 designated recyclable items generated at such venue. Such recycling  
377 receptacles shall be as accessible to the public and at the same locations  
378 as trash receptacles. Any existing trash receptacle may be converted to  
379 a recycling receptacle by labeling or other means appropriate to  
380 identify that such receptacle is dedicated to the collection of designated  
381 recyclable items. If beverage containers of twenty-one ounces or less  
382 are offered for sale or given away at a common gathering venue, any  
383 such recycling receptacle at such venue shall, at a minimum, allow for  
384 the collection of such beverage containers.

385 Sec. 7. (NEW) (*Effective July 1, 2012*) (a) For the purposes of this  
386 section, "customer" means a business and "collector" means any person  
387 offering solid waste or designated recyclable item collection services.

388 (b) Each contract between a collector and a customer for the  
389 collection of solid waste shall make provision for the collection of  
390 designated recyclable items, either by providing for the collection of  
391 designated recyclable items by the same collector who is party to the  
392 solid waste contract or by including information verifying a contract  
393 between the customer and another collector for such collection. The  
394 provisions of this section shall not be construed to require a customer  
395 to contract exclusively with one collector for the collection of both  
396 designated recyclable items and other solid waste. Each collector shall

397 provide each customer with clear written or pictorial instructions on  
398 how to separate designated recyclable items in accordance with the  
399 provisions of section 22a-241b of the general statutes, as amended by  
400 this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	22a-207
Sec. 2	<i>from passage</i>	22a-220(h)
Sec. 3	<i>October 1, 2010</i>	22a-241b
Sec. 4	<i>October 1, 2010</i>	8-2(a)
Sec. 5	<i>October 1, 2010</i>	New section
Sec. 6	<i>October 1, 2011</i>	New section
Sec. 7	<i>July 1, 2012</i>	New section

***Statement of Purpose:***

To expand municipal reports concerning recycling, expand the list of designated recyclable items, prohibit zoning laws that prohibit the use of recycling receptacles, expand curbside recycling, require recycling at certain gathering venues and require solid waste collection contracts to provide for recycling.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*